IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4682 OF 2004

Amol Karnad and others ... Applicants

versus

State of Maharashtra & anr. ... Respondents

...

Mr. A.V. Doijode, for the Applicants.

Mr. K.V. Saste, A.P.P., for Respondent No.1.

Mr. Mahesh Londhe i/by Sanjay Udeshi, for Respondent No.2.

...

CORAM : A.M.KHANWILKAR,J.

23rd November 2004

P.C.:

. The limited grievance in this petition is that on the first date of hearing, the Magistrate proceeded to issue non-bailable warrants against the Applicants, which was unwarranted. It is seen that the Applicants had applied for exemption from appearance which application was rejected on 8th October 2004. Once that application was rejected, the Petitioners ought

to have been given some time to appear before the Magistrate. Instead, the Magistrate has proceeded to issue non-bailable warrants on the same day, i.e., 8th October 2004, which, to my mind, is inappropriate. In the circumstances, this petition can be disposed of by protecting the Applicants until they appear before the Magistrate on the next date of hearing, and on appearance made before the Magistrate, the Magistrate may proceed to pass appropriate order on the application for recall of issuance of non-bailable warrants, as well as on application for exemption from personal appearance, if filed. It is stated that the next date before the Magistrate is scheduled for tomorrow, i.e., 24-11-2004. If it is so, the Applicants to appear before the Magistrate on the scheduled date and make appropriate application. Till final orders are passed on the said application, Applicants not to be arrested. Petition disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)